## STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION STIPULATED AGREEMENT 1227

T07-0017

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Illinois Central Railroad Company ("Company"), the Village of West City ("Village"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

#### WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the South Central Street highway-rail grade crossing of the Illinois Central Railroad Company track in West City, Franklin County, designated as crossing AAR/DOT #293 712J, railroad milepost 88.70-GE; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

<u>Section 1</u> All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

<u>Section 2</u> The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

(a) Vacation of the existing South Central Street roadway within the Company's right-of-way (ROW) limits, by the Village.

DOCKETED

- (b) Installation of temporary Type-III barricades conforming to the requirements of 92 III. Adm. Code 1535.701 and the Manual on Uniform Traffic Control Devices ("MUTCD") at the limits of the vacated roadway, by the Village.
- (c) Removal of the existing grade crossing surface, crossbuck warning signs, and roadway approaches and appurtenances (culverts, road signs, etc.), and matching of the adjacent profiles within the limits of the vacated roadway at the existing South Central Street highway-rail grade crossing, by the Company.
- (d) Installation of permanent traffic barriers and/or appropriate signage conforming to the requirements of 92 III. Adm. Code 1535.701 and/or the MUTCD at the limits of the vacated roadway, by the Village (as necessary).
- (e) Payment as detailed below to the Village for voluntary closure of the South Central Street highway-rail grade crossing, by IDOT.

Section 3 The Village shall pass a local ordinance vacating South Central Street with a stipulation that final vacation of the roadway shall not take place until after a Commission Order has been issued authorizing an incentive payment from the GCPF for closure of South Central Street highway-rail grade crossing. Following passage of the local vacation ordinance, the Village shall erect temporary barricades to prevent vehicular access to the South Central Street crossing. The temporary barricades shall be erected by the Village within five (5) business days from the date the vacation ordinance is passed by the Village. The Village will be responsible for all costs to erect and maintain the temporary barricades.

Section 4 The Village shall, upon Order, according to the requirements contained therein, install permanent traffic barriers and/or signage at the limits of the vacated roadway. The work shall be completed within thirty (30) days after the Village receives a copy of the Order. The Village shall provide all parties with notice that the work has been completed within five (5) days of completion. Notification may be by regular mail, electronic mail, facsimile, or phone. Prior to the installation of the permanent traffic barriers by the Village, the Company shall identify its ROW limits at the South Central Street highway-rail grade crossing. The Village will be responsible for all costs to erect and maintain the permanent traffic barriers.

The Company shall, upon Order, according to the requirements contained therein, remove the crossing surface, crossbuck warning signs, and roadway approaches and appurtenances, and match the adjacent profiles within the limits of the vacated roadway at the existing South Central Street highway-rail grade crossing. The work shall be completed within thirty (30) days after the Company receives a copy of the Order. The Company shall provide all parties notice that the work has been completed within five (5) days of the completion. Notification may be by regular mail, electronic mail, facsimile, or phone. The Company will be responsible for all costs to remove the crossing surface, crossbuck warning signs, and roadway approaches and appurtenances, and to match the adjacent profiles within the limits of the vacated roadway at the South Central Street

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highway-rail grade crossing.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABL
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r		I DIAIOIOIA			
IMPROVEMENT	EST. COST	GCPF	VILLAGE	COMPANY	IDOT
Vacate South Central					•
Street by Local Ordinance;					
Erect Temporary	No Estimate				
Barricades.	Required	\$0	100%²	\$0	\$0
Remove Existing Surface,					
Crossbuck Warning Signs					
and Approaches at the	No				
South Central Street	Estimate				
Crossing.	Required	\$0	<b>\$</b> 0	100% <sup>3</sup>	<b>\$</b> 0
Install Permanent Traffic	-				
Barriers and/or Signage at					
the South Central Street	No Estimate				
Crossing.	Required	\$0	100% <sup>4, 5</sup>	\$0 <sup>4</sup>	\$0
Provide GCPF Incentive					
Payment for Voluntary					
Closure of the South		(100%) \$50,000 <sup>1,6</sup>		j	_
Central Street Crossing.	\$50,000	\$50,000 <sup>1,6</sup>	\$0	\$0	\$0 <sup>6</sup>
Provide Matching Federal					
Closure Incentive Payment					
for Voluntary Closure of the	•				
South Central Street					(100%)
Crossing	\$7,500	\$0	\$0	\$0	\$7,500 <sup>7</sup>
Provide Closure Incentive					
Payment for Voluntary					
Closure of the South				:	
Central Street Crossing	\$7,500	\$0	\$0	\$7,500	\$0
TOTALS	\$65,000	\$50,000	\$	\$7,500	\$7,500

Totals do not reflect costs where no estimates were provided.]

Total GCPF assistance not to exceed \$50,000.

<sup>2</sup> The Village shall be responsible for all costs associated with erecting and maintaining temporary barricades to prevent vehicular access to the South Central Street highway-rail grade crossing.

<sup>3</sup> The Company shall be responsible for all costs associated with removal of the existing crossing surface, crossbuck warning signs, and roadway approaches and appurtenances, and matching of the adjacent profiles within the limits of the vacated roadway.

<sup>4</sup> The Company shall identify its ROW limits at the South Central Street crossing for the Village prior to the installation of the permanent traffic barriers.

The Village shall be responsible for all costs associated with installing and maintaining the permanent traffic barriers and/or signage.

<sup>6</sup> Upon installation of the permanent traffic barriers and/or any necessary signage at the South Central Street crossing the Village shall submit a request to the Department for the \$50,000 Grade Crossing Protection Fund crossing closure incentive payment; the Department shall issue the payment within 60 days of that request (see Section 7 of the Agreement).

<sup>7</sup> Upon installation of the permanent traffic barriers and/or any necessary signage at the South Central Street crossing the Village shall submit a request to the Department for the \$7,500 federal voluntary crossing closure incentive payment; the Department shall issue the payment within 60 days of that

request (see Section 7 of the Agreement).

<u>Section 6</u> The Village is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution incorporated herein by reference as Exhibit B. The Village shall submit a certified copy of the Resolution at the same time as the Execution Page of this Agreement is submitted to the Commission.

<u>Section 7</u> Special Provisions: The Village shall submit a certified copy of the local ordinance vacating South Central Street (see Section 3) to all parties, as evidence that the South Central Street roadway will be vacated upon Order by the Commission. The Village shall submit the ordinance to all parties at the same time as the Execution Page of this Agreement is submitted to the Commission.

Prior to any work, the Village or the Company shall call the Joint Utility Locating Information for Excavators (J.U.L.I.E.) at (800) 892-0123 to locate all utilities that may be affected.

The Village and the Company shall each complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits C (Village) and C1 (Company), along with this executed Agreement.

Upon receipt of the Commission Order, the Company shall identify its ROW limits at the South Central Street crossing. The Village shall then install permanent traffic barriers and/or appropriate signage at the limits of the vacated roadway. Permanent traffic barriers shall conform to the requirements of 92 Ill. Adm. Code 1535.701, and the Manual on Uniform Traffic Control Devices. The Village shall also install the appropriate regulatory and warning signs conforming to the requirements of the Manual on Uniform Traffic Control Devices. All traffic barriers and warning signs are to be maintained by the Village. (See Section 4)

Upon installation of the permanent traffic barriers and/or appropriate signage, the Company shall remove the crossing surfaces, warning signs, and roadway approaches and appurtenances, and match the adjacent profiles within the limits of the vacated roadway at the existing South Central Street highway-rail grade crossing and make a payment in the amount of \$7,500 to the Village. (See Section 4)

Upon installation of the permanent traffic barriers and/or appropriate signage, at the South Central Street crossing, the Village shall submit a request to the Department for the \$50,000 Grade Crossing Protection Fund crossing closure incentive payment. Within sixty (60) days from receipt of the Village request, the Department shall issue a payment of \$50,000 from the GCPF to the Village for voluntary closure of the South Central Street crossing. The Department shall notify all parties when the payment has been completed. Notification may be by regular mail, electronic mail, facsimile, or phone. The Village may use the GCPF payment for any purpose that meets IDOT requirements for permissible uses of Motor Fuel Tax Funds.

The Illinois Department of Transportation shall utilize \$7,500 in federal funds to match the Company's incentive payment to the Village. Eligibility for the Department's \$7,500 payment to the Village is based on the requirement that the authorization of the \$7,500 by the Federal Highway Administration (FHWA) shall be approved prior to the actual

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closure of the South Central Street crossing. If closure of the crossing takes place prior to federal authorization, the Department will not participate in, nor will it be responsible for the \$7,500 funding as proposed. The Department shall notify the Commission, the Village and the Company of the FHWA approval or disapproval, within thirty (30) days of the execution of an Order approving this agreement. Notification may be by regular mail, electronic mail, or facsimile. The \$7,500 payment by the Department shall be used by the Village for a roadway safety related expense.

Upon installation of the permanent traffic barriers and/or appropriate signage, at the South Central Street crossing, and subject to the conditions and requirements set forth in this Agreement, the Village shall submit its request for the \$7,500 federal voluntary crossing closure incentive payment to the Department's Region 5, District 9 Office at the Mary C. Lamie, Regional Engineer, Attn: Dennis Hillebrenner, following address: Engineer of Local Roads & Streets, P.O. Box 100, Carbondale, Illinois 62903. The request for payment shall include the location and ICC Order number, as well as the following information: Section 06-00035-00-RR, Project No. RRP-055(54) and Job No. Upon receipt of the request for payment for the \$7,500 incentive C-99-525-07. payment from the Village, the IDOT Region 5, District 9 Bureau of Local Roads and Streets shall prepare an invoice to be submitted to the Fiscal Control Unit in the Central Bureau of Local Roads and Streets for payment to the Village. Payment shall be issued within 60 days of receipt of the request for payment from the Village (see cost division notes).

The Village and the Company shall, upon completion of the work required of each party according to the requirements of an Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a completed Project Status Report, attached as Exhibits C and C1. The Project Status Report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Village or Company Project Manager, and information regarding the current status of their work.

The Company shall, within five (5) days of the completion of the work required, submit a completely updated United States Department of Transportation Inventory Form (#6180.71) to the Federal Railroad Administration, the Chief of Data Services at the Illinois Department of Transportation, and the Director of Processing and Information, Transportation Bureau of the Commission.

<u>SECTION 8</u> This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 5<sup>th</sup> day of February 2007.

Michael E. Stead

Rail Safety Program Administrator

Attest:

Joseph J. VonDeBur Rail Safety Specialist Illinois Commerce Commission Stipulated Agreement No. 1227, executed by Commission Staff on February 5, 2007, concerning improvements at the South Central Street highway-rail grade crossing of the Illinois Central Railroad Company tracks in West City, Franklin County, Illinois, designated as crossing AAR/DOT 293712J, milepost 88.70-GE.

Executed by the Illinois Central Railroad Company this  $\underline{9}$  day of  $\underline{FEB}$ . 2007.

ILLINOIS CENTRAL RAILROAD COMPANY

Bv<sup>.</sup>

Witness:

Illinois Commerce Commission Stipulated Agreement No. 1227, executed by Commission Staff on February 5, 2007, concerning improvements at the South Central Street highway-rail grade crossing of the Illinois Central Railroad Company tracks in West City, Franklin County, Illinois, designated as crossing AAR/DOT 293712J, milepost 88.70-GE.

Executed by the Village this 22rd day of Fibruary 2007.

**VILLAGE OF WEST CITY** 

MAYOR

Attest:

Shannon Sloan Acting VILLAGE CLORK Illinois Commerce Commission Stipulated Agreement No. 1227, executed by Commission Staff on February 5, 2007, concerning improvements at the South Central Street highway-rail grade crossing of the Illinois Central Railroad Company tracks in West City, Franklin County, Illinois, designated as crossing AAR/DOT 293712J, milepost 88.70-GE.

Executed by the Department this <u>28th</u> day of <u>February</u> 2007.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:

Milton R. Sees, Director of Highways/Chief Engineer

#### ILLINOIS COMMERCE COMMISSION STIPULATED AGREEMENT CROSSING DATA FORM

**GENERAL INFORMATION:** See Location Sketch (Exhibit A, Page 3)

RAILROAD	Illinois Central Railroad Company 293 712J, 88.70-GE South Central Street, West City, Franklin County		
USDOT#, MILEPOST			
STREET, CITY, COUNTY			
JURISDICTION (RDWY)	Village of West City		
LOCATION	Urban, Residential		
STREET SURFACE	2-Lane, 2-Way, 21 Foot Wide, Oil & Chip Roadway		

**CROSSING DATA:** See Location Sketch (Exhibit A, Page 3)

TRACK (N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Timber	25 Ft.	Good
Siding	Unconsolidated	25 Ft.	Good
Siding	Unconsolidated	25 Ft.	Poor
Siding	Unconsolidated	25 Ft.	Poor
Siding	Unconsolidated	25 Ft.	Poor

ROADWAY DATA: See Location Sketch (Exhibit A, Page 3)

INTERSECTING ROADS:	Parker Street – 25 Feet North			
TRAFFIC CONTROL	Stop Sign for Parker Street Traffic			
ADT & SPEED	D 125 Vehicles Per Day, Speed Not Posted			
TRAFFIC TYPE	Passenger, Possible School Busses, Possible Hazardous			
	Materials, Possible Emergency Response			
ADVANCE WARNING	North Only			
PAVEMENT MARKING	None			

RAILROAD DATA: See Location Sketch (Exhibit A, Page 3)

	<u> </u>	
FREIGHT TRAFFIC	2 Per day @ 25 MPH, 2 Switch Movements, Day & Night	
PASSENGER TRAFFIC	None	
WARNING DEVICES	Reflective Crossbucks	

#### **NOTES:**

The Illinois Central Railroad Company has agreed to improve the adjacent Browning Street surface as part of the closure agreement. The rehabilitation is planned for fall 2006 & spring 2007.

Proposed Improvement: Voluntary Closure with Grade Crossing Protection Fund Incentive Monies (\$50,000)

VISIBILITY STUDY: See Location Sketch (Exhibit A, Page 3)

Train Speed	25	MPH
Roadway Speed	30 (Assumed)	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	208	FEET
Along Tracks	239	FEET
Required Clearing Sight Distance (CSD)	595	FEET
(Along Tracks)		

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*	NA	*	NA
NW	*	NA	*	NA
SE	*	NA NA	*	NA
SW	*	NA	*	NA

<sup>\*</sup>Note: The closure of the crossing eliminates the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch (Exhibit A, Page 3)

DIRECTION: NORTH		DIRECTION: /SOUTH			
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
NA					

Distance measured from outermost rail.

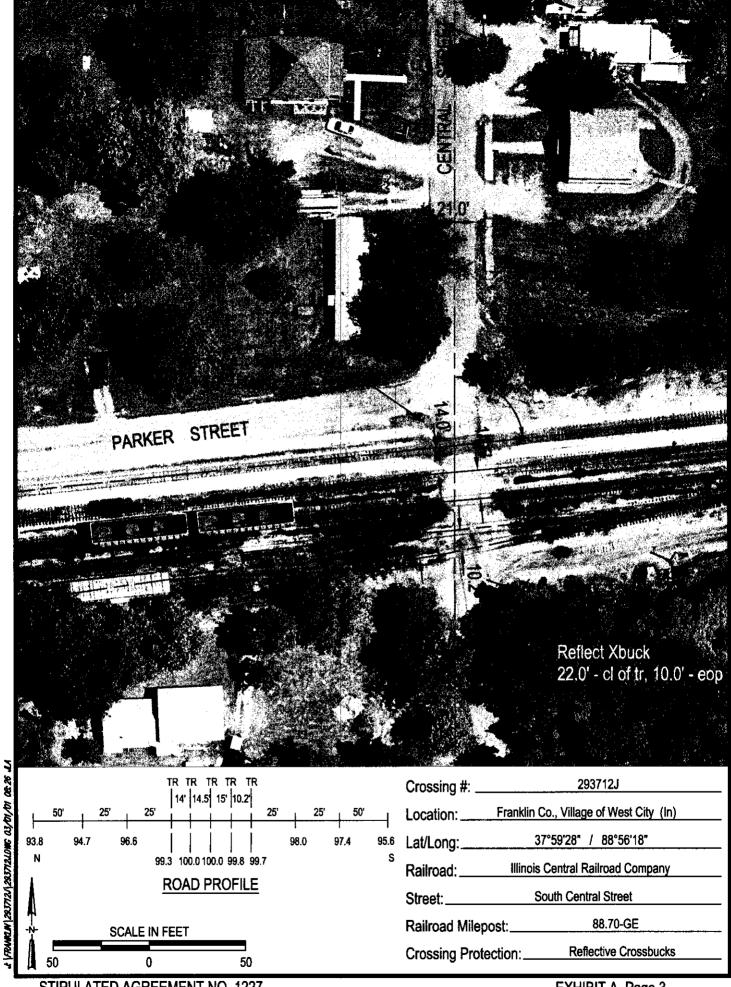
#### **COMMENTS:**

This project is part of the FY 2006 Crossing Safety Improvement Program.

#### **Closure with Incentive Monies:**

Grade Crossing Protection Fund --- \$50,000 Illinois Central Railroad Company --- \$7,500

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



STIPULATED AGREEMENT NO. 1227

EXHIBIT A, Page 3

#### **Exhibit B**

### ILLINOIS COMMERCE COMMISSION STIPULATED AGREEMENT NO. 1227

proposed improvements as may be assigned to it according to Section 5 of this

Agreement.

Date November 15, 2006
The <u>Village Board of Trustees of the Village of West City.</u> Illinois (Board or Council of Village)
meeting on 2/5/2007 , Resolved to authorize Jimmy Reed, Street Superintender (Name, Office)
to act as its designated agent in the processing of this Stipulated Agreement and
that the Village of West City is financially willing and able to bear the cost for the

LeRoy Mumbower, Village President

# ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION PROJECT STATUS REPORT:

TYPE: (CHECK ONE)

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PROGRESS	Х
COMPLETION <sup>1</sup>	

DATE	February	23.	2007	

#### PROJECT INFORMATION:

Reporting Party:	Village of West City
Docket/Order#; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, Milepost:	293 712J, 88.70-GE
Street, (in/near) City, County:	South Central Street, West City, Franklin County
Railroad Company:	Illinois Central Railroad Company

<sup>&</sup>lt;sup>1</sup>Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

### PROJECT MANAGER INFORMATION<sup>2</sup>:

Name:	Jim Reed
Title:	Acting Streets Commissioner
Representing:	The Village of West City
Street Address:	1000 Blakely Street
City, State, Zip:	West City, IL 62812
Office Phone:	(618) 438-6131
Office Fax:	(618) 435–3180
Cellular Phone:	(618) 927–2211
E-Mail Address:	WC1@onemain.com

<sup>&</sup>lt;sup>2</sup>Project Manager Information to be submitted by Roadway Authority and Railroad Company

#### **DESCRIPTION OF IMPROVEMENT(S) ORDERED:**

- Vacation of South Central Street within the Illinois Central Railroad Company ROW
- · Temporary barricading of crossing
- Installation of permanent barricades

#### STATUS OF WORK:

Ordinance concerning vacation of South Central Street and RR ROW passed.

Material for temporary barricading on hand, will be installed upon notification of execution of agreement.

Have been in contact with railroad company and Village will purchase gates to be permanently installed when everything completed and approved. Gates to be chained and locked.

## ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Mail directed to the Rail Safety Section or the Director of Processing and Information, Transportation Bureau of the Commission should be addressed to:

The Illinois Commerce Commission 527 East Capitol Avenue Springfield, IL 62701-1827

If you have questions contact:

Joe Von De Bur, Railroad Safety Specialist

Phone:

(217) 557-1286

Email:

jvondebu@icc.illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

http://www.icc.illinois.gov/hg/library.aspx?key=Railroad%20Safety

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp

Submit Inventory forms to:

Federal Railroad Administration		Chief of Data Services
Office of Safety	<u>And</u>	Illinois Department of Transportation
1120 Vermont Avenue, NW		2300 S. Dirksen Parkway
Washington, DC 20590		Springfield, IL 62764

# ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION PROJECT STATUS REPORT:

DATE

TYPE: (CHECK ONE)			
	PROGRESS		
	COMPLETION <sup>1</sup>		

#### PROJECT INFORMATION:

Reporting Party:	Illinois Central Railroad Company		
Docket/Order #; Date:			
Status Reports Due:			
Ordered Completion Date:			
Completion Report Due <sup>1</sup> :			
AAR/DOT#, Milepost:	293 712J, 88.70-GE		
Street, (in/near) City, County:	South Central Street, West City, Franklin County		
Railroad Company:	Illinois Central Railroad Company		

<sup>&</sup>lt;sup>1</sup>Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

#### PROJECT MANAGER INFORMATION2:

John Henriksen
Manager, Public Projects
Canadian National
17641 South Ashland Avenue
Homewood, Illinois 60430
(708) 332-3557
(708) 332-3514
John.Henriksen@cn.ca

<sup>&</sup>lt;sup>2</sup>Project Manager Information to be submitted by Roadway Authority and Railroad Company

#### **DESCRIPTION OF IMPROVEMENT(S) ORDERED:**

- Location of CN right-of-way for Village of West City
- Removal of the existing crossbuck signs and grade crossing surface
- Payment of \$7,500 incentive monies upon closure of crossing

#### STATUS OF WORK:

## ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

The Illinois Commerce Commission 527 East Capitol Avenue Springfield, IL 62701-1827

If you have questions contact:

Joe Von De Bur, Railroad Safety Specialist

Phone:

(217) 557-1286

Email:

jvondebu@icc.illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

http://www.icc.illinois.gov/hg/library.aspx?key=Railroad%20Safety

The billing address for Grade Crossing Protection Fund and IDOT reimbursement is:

Illinois Department of Transportation Region 5, District 9 Mary C. Lamie, Regional Engineer Attn: Dennis Hillebrenner P.O. Box 100 Carbondale, Illinois 62903

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW	And	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway
Washington, DC 20590		Springfield, IL 62764